1 MARCO SIMONS, ESQ. [S.B. #237314] marco@earthrights.org RICHARD HERZ, ESO. rick@earthrights.org EARTHRIGHTS INTERNATIONAL 1612 K Street N.W., Suite 401 Washington, DC 20006 Telephone: (202) 466-5188 Facsimile: (202) 466-5189 ABBY RUBINSON, ESQ. [S.B. #257189] abbyrubinson@gmail.com RICHARD W. WIEKING 862 Guerrero St., Apt. 1 CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA San Francisco, CA 94110 8 Telephone: (415) 233-3304 9 JUDITH BROWN CHOMSKY Law Offices of Judith Brown Chomsky 10 8120 New Second St. Elkins Park, PA 19027 11 Telephone: (215) 782-8367 Facsimile: (215) 782-8368 12 Attorneys for Applicants Theophilus G. Metsagharun, 13 Jackson Omareye, Lofty Ogbe, Bawo Omadeli, and Gbejule Okoturo 14 UNITED STATES DISTRICT COURT 15 NORTHERN DISTRICT OF CALIFORNIA 16 17 2case 8:0 274MISC 18 IN RE APPLICATION OF THEOPHILUS G. DECLARATION OF RICHARD HERZ 19 METSAGHARUN, et. al. FOR AN ORDER IN SUPPORT OF APPLICANTS' GRANTING LEAVE TO ISSUE SUBPOENAS ADMINISTRATIVE MOTION TO FILE 20 FOR THE TAKING OF DISCOVERY PURSUANT UNDER SEAL APPLICATIONS IN TO 28 U.S.C. § 1782 SUPPORT OF EX PARTE MOTION TO 21 PROCEED IN FORMA PAUPERIS 22 23 24 25 26 27 28

DECLARATION OF RICHARD HERZ IN SUPPORT OF MOTION TO FILE UNDER SEAL

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DECLARATION OF RICHARD HERZ

I, Richard Herz, declare and say:

- 1. I am an attorney duly licensed to practice law in the State of New York. I have personal knowledge of the facts stated herein, and if called upon to do so in a court of law, I could and would testify competently to the following.
- 2. I serve as counsel for the Applicants, Theophilus G. Metsagharun, Jackson Omareye, Lofty Ogbe, Bawo Omadeli, and Gbejule Okoturo in this action, who are plaintiffs individually and as representatives of five villages in Ugbororo Community, Warri South West Local Government Area of Delta State, Nigeria in *Theophilus G. Metsagharun et. al. v. Chevron Nigeria Ltd.*, SUIT No.: FHC/ASB/CS/130/2010 in the Federal High Court of Nigeria, Asaba Judicial Division.
- 3. In this action, Applicants seek an order pursuant to 28 U.S.C. § 1782 to obtain discovery from Respondents Chevron Corporation and Chevron U.S.A., Inc. for use in *Theophilus G. Metsagharun et. al. v. Chevron Nigeria Ltd.*, pending foreign proceedings in which Applicants and Chevron's subsidiary are parties.
- Each of the Applicants is an indigent Nigerian villager who has filed individual
  Applications and a joint Motion to Proceed in Forma Pauperis.
  - 5. The Applications largely contain detailed personal financial information.
- 6. Applicants have not sought a stipulation from Respondents to file these documents under seal because the Motion to Proceed *in Forma Pauperis* is filed *ex parte* pursuant to Civil Local Rule 3-10.

I declare under penalty of perjury and pursuant to the laws of California and the United States of America that the foregoing is true and correct.

Executed this 28 day of November, 2012 at West Hartford, CT.

Richard Herz